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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,873	04/28/2005	Tetsuya Ishii	Q72768	2291
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SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
REDDY, KARUNA P				
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
03/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,873

Applicant(s)

ISHII, TETSUYA

Examiner

KARUNA P. REDDY

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-20 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-20 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on 1/9/2008. Applicants cancelled claims 6 and 21-22. Claims 1-5, 7-20 and 23-25 are currently pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al (EP 0 507 160 A1).

The rejection is adequately set forth in paragraph 4 of office action mailed 10/9/2007 and is incorporated here by reference.

4. Claims 1-5, 7-11, 14, 16, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donati et al (EP 1 046 395 A1) in view of Ono et al (EP 0 507 160 A1) and Yamazaki et al (JP 08-225443).

The rejection is adequately set forth in paragraph 8 of office action mailed 10/9/2007 and is incorporated here by reference.

5. Claims 12, 15, 17, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donati et al (EP 1 046 395) in view of Ono et al (EP 0 507 160

A1) and Yamazaki et al (JP 08-225443) as applied to claim 1 above, and further in view of Bernstein (EP 95512 A) or LaHann (US 4,313,958).

The rejection is adequately set forth in paragraph 9 of office action mailed 10/9/2007 and is incorporated here by reference.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donati et al (EP 1046395).

The rejection is adequately set forth in paragraph 10 of office action mailed 10/9/2007 and is incorporated here by reference.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donati et al (EP 1 046 395 A1) in view of Ono et al (EP 0 507 160 A1).

The rejection is adequately set forth in paragraph 11 of office action mailed 10/9/2007 and is incorporated here by reference.

Response to Arguments

8. Rejection of claims 21-22 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Donati et al (EP 1 046 395 A1) is moot in view of cancellation of these claims.
9. Applicant's arguments filed 1/9/2008 have been fully considered but they are not persuasive. Specifically, applicant argues that (A) Ono et al disclose a mixture of

polyacrylic acid and polyacrylate which is not a (meth)acrylic acid-base polymer having repeating units represented by formulae (1) and (2) in the recited ratio; (B) aluminum hydroxide disclosed in Yamzaki et al is almost insoluble in water and therefore is not a water-soluble compound as defined in present invention; (C) based on the disclosure of "one half" of Donati et al; water content used in the solution prepared in first step is the same as water content of the solution prepared in later step; (D) Donati et al teaches that the water and sodium polyacrylate are added in two or more steps and does not consider the solubility difference of the polymer in water and in polyhydric alcohol.

With respect to (A), sodium polyacrylate of Ono et al meets the claim limitation of the ratio of formula (1) and (2) of 100/0. The transitional phrase "comprising" is open ended and can include other components such as polyacrylic acid.

With respect to (B), it is the examiner's position that water solubility is a relative term and the specification does not define solubility of aluminum compound. In addition, list of aluminum compounds disclosed in the specification on page 15, line 2 of present invention includes aluminum hydroxide. It is noted that $\text{Al}(\text{OH})_3$ has a solubility of 0.0015 g/l at 20°C i.e. $\text{Al}(\text{OH})_3$ is soluble in water.

With respect to (C), "one half" of Donati et al refer to one-half of the crosslinking agent and not the amount of water used in two steps.

With respect to (D), present claims are directed to a process wherein a polymer compound is added in a second step, if desired. Thus, addition of part of sodium polyacrylate in second step reads on the present claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KARUNA P. REDDY** whose telephone number is (571)272-6566.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karuna P Reddy/
Examiner, Art Unit 1796

/VASUDEVAN S. JAGANNATHAN/
Supervisory Patent Examiner, Art Unit 1796